

APPEAL NO. 031397
FILED JULY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 6, 2003. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not extend to and include an injury to the claimant's lower back. The claimant appealed the extent-of-injury determination, arguing that it was against the great weight and preponderance of the evidence. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer was not persuaded that the claimant sustained his burden of proving the causal connection between his compensable injury and an injury to his lower back. Medical records and testimony at the hearing revealed that the claimant experienced back problems long before the date of his compensable injury. The hearing officer was acting within his province as the fact finder in so finding. Nothing in our review of the record reveals that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The true corporate name of the insurance carrier is **AMERICAN STATES INSURANCE COMPANY OF TEXAS** and the name and address of its registered agent for service of process is

**LEON CROCKETT
1600 NORTH CAROLINA BOULEVARD, SUITE 300
RICHARDSON, TEXAS 75080.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Veronica Lopez-Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge